

## **GOVERNMENT OF ANDHRA PRADESH ABSTRACT**

LAND ACQUISITIONS-WARANGAL (DISTRICT)-Hasanparthy(Mandal & Village)- Acquisition of Land to an extent of Acs. 16-15 ¼ Guntas situated in Sy. Nos. 126, 128, 129, 132, 133, 134, 135, 171 and 172 of Hasanparthy(Village & Mandal) in Warangal District for the construction of Samskruthi Vihar & District Training Centre- Draft Notification and Draft Declaration proposals submitted by the Collector, Warangal approved- Orders issued vide G.O. Rt. No. 855, PR&RD(PTS.III)DEPTT, Dated:16.5.2005 and G.O. Rt. No. 864, PR&RD(PTS.III)DEPTT, Dated:17.5.2005- Dropping of Further Land Acquisition in respect of the above-said Acquired Land and restoration of physical possession of the Land in question to the Original Land-Owners, by conducting Panchanama, in compliance with the Orders Dated: 22.2.2010 in W.P. No. 13647 of 2009 and in cancellation of Orders issued G.O. Rt. No. 855, PR&RD(PTS.III)DEPTT, Dated:16.5.2005 and G.O. Rt. No. 864, PR&RD (PTS.III)DEPTT, Dated:17.5.2005-Orders-Issued.

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- **PANCHAYAT RAJ AND RURAL DEVELOPMENT (PTS.III) DEPARTMENT**

G.O. Rt. No. 1040

Dated:16-7-2010.

**Read the following:**

- 1) G.O. Rt. No. 855, PR&RD(PTS.III)DEPTT, Dated:16.5.2005.
- 2) G.O. Rt. No. 864, PR&RD(PTS.III)DEPTT, Dated:17.5.2005.
- 3) From the Collector(PW), Warangal, Letters Rc. Nos. G1/E1/6940/99, Dated: 22.4.2009 and even number Dated: 27.6.2009 & 19.4.2010.

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**ORDER:**

In the G.O.'s 1<sup>st</sup> and 2<sup>nd</sup> read above, Orders were issued approving Draft Notification and Draft Declaration proposals submitted by the Collector(PW), Warangal pertaining to the acquisition of Land to an extent of Acs. 16-15 ¼ Guntas situated in Sy. Nos. 126, 128, 129, 132, 133, 134, 135, 171 and 172 of Hasanparthy (Village & Mandal) in Warangal District for the construction of Samskruthi Vihar & District Training Centre.

2. In the reference 3<sup>rd</sup> read above, the Collector(PW), Warangal has submitted proposals to the Government to clarify as to whether the Land Acquisition Process, initiated in terms of the G.O.'s 1<sup>st</sup> and 2<sup>nd</sup> read above, is to be continued or to re-deliver the physical possession of the said land in the absence of funds' availability; that In the meanwhile, the Land Owners filed W.P. No. 13647/2009 in A.P. High Court stating that as much as no Award is passed within a period of two years from the date of publication of Declaration under Section 6 as contemplated under Section 11-A of Land Acquisition Act, 1894, the entire Proceedings for acquisition of the Land in question have lapsed; the Revenue Divisional Officer, Warangal, who is the Land Acquisition Officer in this Case, had submitted Counter-Affidavit in this Case, stating that as the Land in question was in possession of the District Rural Development Agency(DRDA) even prior to the date of publication of Notification under Section 4(1) of the LA. Act, 1894, the provisions of Section 11-A of Land Acquisition Act, 1894 will not apply to this Case and the Notification and Declaration already issued cannot be lapsed; in fact, the case is pending with the Land Acquisition Officer for want of sufficient funds for passing the Award; as per the P.V. Proposals submitted by the Land Acquisition Officer and Revenue Divisional

Officer, Warangal, an amount of about Rs.35.00 Lakhs was required for passing the Award; that while the matter stood thus, the High Court of Andhra Pradesh, Hyderabad, while disposing of the W.P. No. 13647 of 2009, has passed its Orders on 22.2.2010 stating that it was not clear for the record as to how, and on what basis, the Requisition Department could take physical possession of the Land of the Petitioners even before initiation of Proceedings to this effect under Sections 4(1) and 6 of the Land Acquisition Act, 1894 and, hence, the Proceedings issued under Sections 4(1) and 6 of the Land Acquisition Act, 1894 are lapsed; that as the Land is needed for the public purpose, Respondents are permitted to issue Fresh Notification and to take steps for passing the Award within a period of three months from the date of receipt of the copy of the Order; further, the High Court also directed that failing to initiate Fresh Land Acquisition Proceedings within three months, the Respondents are directed to restore the physical possession of the acquired Land to the Petitioners by conducting Panchanama; the Advocate for the Petitioners issued a Notice on 8.3.2010 to the Land Acquisition Officer & Revenue Divisional Officer, Warangal to follow the above directions issued in the High Court's Orders., that the said Orders were received in Office of the Collector, Warangal on 8.4.2010; that the Government in PR&RD Department, A.P. Secretariat is also made the party in this Case; As such, the Land Acquisition Officer and Revenue Divisional Officer, Warangal has requested to issue necessary Orders in the matter for taking further action., the Collector, Warangal has also informed that in view of the High Court's Orders, the Land Acquisition Officer and Revenue Divisional Officer, Warangal has been requested to submit the requirement of Funds for acquisition of the Land by issuing Fresh Notification to pass the Award since the Market Value is to be fixed latest as per the date of Fresh Notification under Section 4(1) of the Land Acquisition Act, 1894; the Land Acquisition Officer and Revenue Divisional Officer, Warangal has reported that the basic value of the Lands in question is @ Rs. 15,97,500/- per Acre and thus, the probable requirement of Funds for acquisition of Acs. 16-15 1/4 Guntas at present will be Rs. 3.46 Crores(rounded to Rs. 3.50 Crores)., and in the light of the above facts and circumstances of the case, the Collector, Warangal has finally requested the Government in Panchayat Raj & Rural Development Department to provide Funds to a tune of Rs. 3.50 Crores in the matter immediately, so as to proceed further to complete Land Acquisition Process within a period of three(3) months from the date of receipt of the High Court's Orders by their Office, viz; on or before 7.7.2010, or to drop the Land Acquisition in the matter in the absence of the required Funds and to redeliver the physical possession of the Land to the Land Owners, so as to avoid further legal complications, and has solicited early Orders, as this matter has been pending for a very long period.

3. In the circumstances reported by the Collector(PW), Warangal in the reference 3<sup>rd</sup> read above, Government, after careful examination of the issue and *incompliance* with the *Orders* Dated:22.2.2010 of the *High Court of A.P.* in W.P. No. 13647/2009, *hereby drop* Further Land Acquisition Process in respect of the Land admeasuring Acs. 16-15 1/4 Guntas situated in Sy. Nos. 126, 128, 129, 132, 133, 134, 135, 171 and 172 of Hasanparthy (Village & Mandal) in Warangal District, originally acquired for the construction of Samskruthi Vihar & District Training Centre and *accordingly order* restoration of physical possession of the above-said Land to the Original Land-Owners, by conducting Panchanama, *duly canceling the Orders* issued in the G.O.'s 1<sup>st</sup> and 2<sup>nd</sup> read above.

4. The Commissioner, Panchayat Raj & Rural Employment, Hyderabad and the District Collector (PW), Warangal District shall take further action accordingly.

(BY ORDER AND IN THE NAME OF GOVERNOR OF ANDHRA PRADESH)

**M.V.P.C. SASTRY**  
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To

The Commissioner, Panchayat Raj & Rural Employment, Hyderabad.

The District Collector (PW), Warangal District.

The District Panchayat Officer, Warangal District

The RDO,(Land Acquisitions Officer) Warangal through  
District Collector, Warangal.

The Project Director, DRDA, Warangal through District Collector,  
Warangal.

Copy to:

The OSD to M(PR).

The PS to Spl. Chief Secretary to Govt.(PR).

The PS to Principal Secretary to Govt.(RD).

The Commissioner, Rural Development, Hyderabad for information.

The Government Pleader for PR High Court of Andhra Pradesh,  
Hyderabad.

SF/SC.

//FORWARDED :: BY ORDER//

**SECTION OFFICER**